

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Robert R Kaniuff**  
Debtor(s)

Bankruptcy Case No.: 19-20243-GLT  
Issued Per Dec. 18, 2019 Proceeding  
Chapter: 13  
Docket No.: 78 – 40  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 15, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$4,096 as of January 1, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The objection of Great America is overruled as the creditor is entitled to receive a distribution on its allowed claim consistent with the treatment of other allowed unsecured claims.

The Debtor shall file an amended wage attachment on or before January 2, 2020.

The Debtor shall file an Omnibus Declaration regarding Claim No. 3 of KeyBank which affords flexibility to fund changes in the variable rate without successive notices of a mortgage payment change.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge  
United States Bankruptcy Court

Dated: December 19, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Robert R Kaniuff  
 Debtor

Case No. 19-20243-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: ctak  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 39

Date Rcvd: Dec 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2019.

db  
 cr  
 15020090 +Robert R Kaniuff, 118 Crooks School Rd, Clinton, PA 15026-1548  
 14980754 +GreatAmerica Financial Services Corporation, Strassburger McKenna Gutnick & Gefsky,  
 14982453 Four Gateway Center, 444 Liberty Avenue, Suite 2200, Pittsburgh, PA 15222-1207  
 14980755 BMO Harris Bank, N.A., P.O. Box 2035, Milwaukee, WI 53201-2035  
 14980756 +Bmo Harris Bank Na, 111 W Monroe, Chicago, IL 60603-4095  
 14980759 +CREDIT ACCEPTANCE, 25505 W 12 MILE RD SUITE 3000, SOUTHFIELD MI 48034-8331  
 14980760 +Caliber, 715 S Metropolitan Ave, Oklahoma City, OK 73108-2088  
 15009895 +Capl/cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463  
 14980759 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298  
 14980760 +Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217  
 15009895 +Citizens Bank N.A., One Citizens Bank Way, JCA115, Johnston R.I. 02919-1922  
 14980761 +Citizens Bank Na, 480 Jefferson Blvd, Warwick, RI 02886-1359  
 14980762 +Credit Acceptance Corp, Po Box 5070, Southfield, MI 48086-5070  
 14980763 Dollar Bank, 3 Gateway Center, Pittsburgh, PA 15222  
 15018403 Dollar Bank, FSB, c/o David W. Raphael, Esquire, Grenen & Birsic, PC,  
 One Gateway Center, 9th Floor, Pittsburgh, PA 15222  
 15018402 +Dollar Bank, FSB, 300 West Tuscarawas Street, Canton, OH 44702-1911  
 14980764 +Fia Cs, Po Box 982238, El Paso, TX 79998-2238  
 15032273 +Ford Motor Credit Company LLC, 1335 S. Clearview Avenue, Mesa AZ 85209-3376  
 15008499 +GREATAMERICA FINANCIAL SERVICES CORPORATION, PO BOX 609, CEDAR RAPIDS IA 52406-0609  
 (address filed with court: GreatAmerica Financial Services Corporation,  
 f/k/a GreatAmerica Leasing Corporation, ATTN: Peggy Upton, Litigation Specialist,  
 P.O. Box 609, Cedar Rapids, IA 52406)  
 14980767 +Monterey Fin, 4095 Avenida De La Plata, Oceanside, CA 92056-5802  
 15022798 +PNC Equipment Finance, LLC, c/o Robert E. Walton/Thomas P. Stevens, Flamm Walton Heimbach,  
 794 Penlllyn Pike, Suite 100, Blue Bell, PA 19422-1669  
 14980768 +Pnc Bank, Po Box 3180, Pittsburgh, PA 15230-3180  
 14980769 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703  
 14980776 +Wells Fargo Dealer Svc, Po Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr  
 +E-mail/Text: key\_bankruptcy\_ebnc@keybank.com Dec 20 2019 03:24:38 KeyBank N.A.,  
 4910 Tiedeman Road, Brooklyn, OH 44144-2338  
 14980753 +E-mail/Text: ally@ebn.phinsolutions.com Dec 20 2019 03:23:59 Ally Financial,  
 200 Renaissance Ctr, Detroit, MI 48243-1300  
 14980758 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 20 2019 03:30:23  
 Capital One Bank Usa N, 15000 Capital One Dr, Richmond, VA 23238  
 14980757 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 20 2019 03:31:31 Capital One,  
 Po Box 30253, Salt Lake City, UT 84130-0253  
 15016259 +E-mail/Text: kbarkley@bernsteinlaw.com Dec 20 2019 03:25:01 Duquesne Light Company,  
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,  
 Pittsburgh, PA 15219-1945  
 14980765 +E-mail/Text: bankruptcynotice@fcbanking.com Dec 20 2019 03:24:00 First Commonwealth Ban,  
 22 North Sixth St, Indiana, PA 15701-1802  
 14980766 +E-mail/Text: key\_bankruptcy\_ebnc@keybank.com Dec 20 2019 03:24:38 Keybank Na,  
 4910 Tiedeman Road, Brooklyn, OH 44144-2338  
 15018893 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 20 2019 03:42:34  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14981346 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 20 2019 03:31:33  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14980770 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:30:52 Synch/ameg D, Po Box 965005,  
 Orlando, FL 32896-5005  
 14980771 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:30:18 Synch/bargain Outlet,  
 C/o Po Box 965036, Orlando, FL 32896-0001  
 14980772 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:26 Synch/jcp, Po Box 965007,  
 Orlando, FL 32896-5007  
 14980773 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:27 Synch/levin Furniture,  
 C/o Po Box 965036, Orlando, FL 32896-0001  
 14980774 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:27 Synch/lowes, Po Box 956005,  
 Orlando, FL 32896-0001  
 14980775 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2019 03:31:26 Synch/synchrony Home,  
 C/o Po Box 965036, Orlando, FL 32896-0001  
 15023831 +E-mail/Text: jennifer.chacon@spservicing.com Dec 20 2019 03:25:08  
 The Bank of New York Mellon, et al, c/o Select Portfolio Servicing, Inc., P.O. Box 65250,  
 Salt Lake City, UT 84165-0250

TOTAL: 16

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr THE BANK OF NEW YORK MELLON ET.AL.  
 cr THE BANK OF NEW YORK MELLON, ET. AL.  
 cr The Bank of New York Mellon, successor to The Bank

District/off: 0315-2

User: ctak  
Form ID: 149

Page 2 of 2  
Total Noticed: 39

Date Rcvd: Dec 19, 2019

cr\* +Dollar Bank, FSB, 300 West Tuscarawas Street, Canton, OH 44702-1911  
cr\* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,  
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 3, \* 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 21, 2019

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2019 at the address(es) listed below:

Christopher J. Azzara on behalf of Creditor GreatAmerica Financial Services Corporation  
cazzara@smgglaw.com, ccallahan@smgglaw.com; kmaiorano@smgglaw.com  
David W. Raphael on behalf of Creditor Dollar Bank, FSB draphael@grenenbirsic.com,  
mcpupec@grenenbirsic.com  
James Warmbrodt on behalf of Creditor The Bank of New York Mellon, successor to The Bank of  
New York, not in its individual capacity but solely as Trustee on behalf of the holders of the  
CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certif bkggroup@kmlawgroup.com  
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,  
jbluemle@bernsteinlaw.com  
Lawrence W. Willis on behalf of Debtor Robert R Kaniuff ecf@westernpabankruptcy.com,  
urfreshstrt@gmail.com; willislr88866@notify.bestcase.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Thomas Song on behalf of Creditor THE BANK OF NEW YORK MELLON ET.AL. pawb@fedphe.com  
Thomas Song on behalf of Creditor THE BANK OF NEW YORK MELLON, ET. AL. pawb@fedphe.com  
TOTAL: 9